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December 27, 2024

VIA ECF

Hon. Margaret M. Garnett, U.S.D.J.
U.S. District Court for the Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square, Courtroom 906
New York, NY 10007

Re: Dr. Douglas John Anderson, M.D. v. Carelon Behavioral Health, Inc, et al.,
Case No.: 1-24-cv-09260-MMG

Dear Judge Garnett:

This firm represents Defendants Carelon Behavioral Health, Inc. (“Carelon”), Elevance Health, Inc. (“Elevance,” improperly named in the Complaint as “The Elevance Health Companies, Inc.”), Hossam Mahmoud, Peter Haytaian, David J. Wolfe, Fatimah Ann Tahil, and Suzanne Rumsey (hereafter, the “Defendants”) in the above matter. We write pursuant to Rule I(B)(5) of Your Honor’s Individual Rules to respectfully request an adjournment of the Initial Pretrial Conference (scheduled for January 15, 2025) and the deadline to submit a proposed Civil Case Management Plan and Scheduling Order (hereafter, the “Scheduling Order”) and joint letter to the Court (scheduled for January 8, 2025).

By way of background, Defendants timely removed this action from the Supreme Court of New York, New York County on December 5, 2024. (ECF No. 1.) Plaintiff’s Complaint includes 146 Paragraphs and eight (8) causes of action. (ECF No. 1-1.) On December 9, 2024, Defendants waived service of process of the Complaint. (ECF Nos. 7-14.) Importantly, Defendants’ deadline to answer, move, or otherwise respond to the Complaint is February 7, 2025. Therefore, Defendants’ deadline to provide an initial response to the Complaint is more than four (4) weeks after the deadline to file a joint letter and Scheduling Order, and three (3) weeks after the current date of the Initial Pretrial Conference.

In view of the intervening Christmas and New Year’s holidays and associated office closures, Defendants request the opportunity to review Plaintiff’s allegations until February 7, 2025. Further, Defendants request the opportunity to review such allegations through February 7, 2025, in view of the multiple corporate defendants (Carelon and Elevance), the number of individual defendants (5), and the extensive number of causes of action (8) involved in this action.

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Accordingly, Defendants request that the date of the Initial Pretrial Conference and the deadline to submit a proposed Scheduling Order and joint letter be adjourned to dates convenient for the Court which are no earlier than Monday, February 10, 2025 (*i.e.*, the first business day after Defendants submit their initial response to the Complaint).¹

This is Defendants' first request for an adjournment of the Initial Pretrial Conference and the deadline to submit a proposed Scheduling Order and joint letter. This application is being made in good faith and not to cause undue delay. If granted, this request will not impact any other scheduled dates.

This office has communicated with Plaintiff's counsel, and Plaintiff consents to the relief requested herein.

We thank the Court in advance for its time and attention to this matter.

Respectfully submitted,

SEYFARTH SHAW LLP

/s/ Howard Wexler

Howard Wexler

cc: All counsel of record (via ECF)

Request GRANTED. The parties' joint letter and CMP are now due **February 12, 2025**, and the Initial Pretrial Conference is adjourned until **Wednesday, February 19, 2025, at 4:00 p.m.** The Clerk of Court is directed to terminate Dkt. No. 18.

SO ORDERED. Date 12/30/2024



HON. MARGARET M. GARNETT
U.S. DISTRICT JUDGE

¹ As noted above, Defendants have not had an opportunity to adequately review the allegations in the Complaint. As such, Defendants expressly reserve and do not waive any defenses they may have to the Complaint.